

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

APOLLO D. JOHNSON,

Plaintiff,

v.

ROBERT GOODSPEED,

Defendant.

Case No. 1:21-cv-186

HON. JANE M. BECKERING

ORDER

This is a prisoner civil rights action. Defendant filed a Motion for Partial Summary Judgment (ECF No. 15). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on February 11, 2022 (ECF No. 27), recommending that this Court: (1) order that Plaintiff's retaliation claims are limited to the October 9 and 24, 2019 Class II insolence misconducts; (2) deny Defendant's motion for partial summary judgment (ECF No. 15); and (3) order that the exhaustion defense be deemed waived in the event that Defendant does not request a bench trial on the issue within 14 days. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 27) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Partial Summary Judgment (ECF No. 15) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's retaliation claims are limited to the October 9 and 24, 2019 Class II insolvency misconducts.

IT IS FURTHER ORDERED that the exhaustion defense is deemed waived in the event that Defendant does not request a bench trial on the issue within fourteen (14) days from the date of this Order.

Dated: March 14, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge